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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,137	10/11/2001	Cathleen Joyce Webb	4775-1	9524

22442 7590 03/10/2003

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EXAMINER

CINTINS, IVARS C

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 03/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/976,137

Applicant(s)  
Webb et al.

Examiner  
Ivars Cintins

Art Unit  
1724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 10, 2003
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above, claim(s) 6, 7, 10, 15-24, and 35-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 9, 11-14, and 25-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 & 7 6) ☐ Other:

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Applicant's election, in Paper No. 6, of limestone/dolomite as the reactant species is hereby acknowledged. Since Applicant has argued that limestone and dolomite are not patentably distinct from one another, these two materials will be treated as a single species.

Also, although Applicant has not clearly identified a contacting method species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable, Applicant has elected, with traverse, "to proceed with the prosecution of Claims 25-34" (page 3, line 5, of the response filed January 10, 2003) in addition to the generic claims. Since claims 25-34 are limited to passing water through a packed column of reactant material, Applicant is deemed to have elected passing through a packed column as the contacting method species.

Applicant has traversed the election of species requirements on the grounds that searching and examining all of the claims in a single application would not impose a serious burden on the Examiner. This argument has not been found persuasive because the searches for the various combinations of reactant material and contacting technique are clearly divergent, and would constitute a serious burden upon the Examiner.

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The requirement is still deemed proper and is therefore made FINAL. Accordingly, claims 1-5, 8, 9, 11-14 and 25-34 are deemed to read on the elected species; and claims 6, 7, 10, 15-24 and 35-46 are withdrawn from further consideration, as being directed to non-elected species.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8, 9, 11-14 and 25-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaniuk et al. (U.S. Patent No. 6,030,537) in view of published Japanese patent application No. 1-127094. Shaniuk et al. discloses a process for removing arsenic from water, by contacting the water with an adsorbent material which is packed in a column (col. 3, lines 50-51). This reference also discloses that the adsorbent material can be formed into a cartridge (col. 3, line 67). This reference further teaches purifying the water to below 5 ppb arsenic (col. 2, line 21), and testing the treated water (col. 4, lines 37-40). Accordingly, Shaniuk et al. discloses the claimed invention with

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the exception of the specific reactant material employed. Published Japanese patent application No. 1-127094 discloses adsorbing arsenic from a waste liquid with porous limestone. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the limestone of the secondary reference for the adsorbent material of the primary reference, since this secondary reference limestone is capable of adsorbing arsenic from a liquid in substantially the same manner as the adsorbent material of the primary reference, to produce substantially the same results.

O'Neill et al. (U.S. Patent No. 4,935,146) and Volchek et al. (U.S. Patent No. 5,556,545) disclose similar techniques for removing arsenic from aqueous liquids.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. David Simmons, can be reached at (703) 308-1972.

The fax phone numbers for this art unit are: (703) 872-9311 for "Official" faxes after Final Rejection; (703) 872-9310 for


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all other "Official" faxes; and (703) 872-9492 for "Draft" and other "Unofficial" faxes.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

  
**Ivars C. Cintins**  
**Primary Examiner**  
**Art Unit 1724**

I. Cintins  
March 5, 2003